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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,077

09/15/2006

Leandro Mastrogiacomo

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1609 7590 09/22/2008

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER

DURAND, PAUL R

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

09/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,077	Applicant(s) MASTROGIACOMO ET AL.	
	Examiner PAUL R. DURAND	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/15/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in PCT on 3/9/2005 and Italy 3/15/2004. It is noted, however, that applicant has not filed a certified copy of the either application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Berg (US 6,491,882) in view of McGee et al. (US 4,390,186).

In claims 1, 2, 7 and 11, Van Den Berg discloses the invention as claimed including a high pressure container 3, defining a volume 20, provided with an inlet (no number given, but generally in the vicinity of collar 21, shown in figure 3) for the introduction of the material into said volume, moving head 14, to close the high-pressure container, piston 8, mounted to slide in a leak-tight manner through the head and moving between a retracted position and a forward position, movable auxiliary cover 12, which can be associated in a leak-tight manner with the inlet of the container, the container, head and cover provided with an opening in which the piston can slide

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and seal means (not numbered, but shown in figure 2) providing a pressurized seal between the piston and the auxiliary cover (see figures 1-3 and col. 3, line 17 – col. 4, line 28).

What Van Den Berg does not disclose is the use of a coinable seal to seal the container from the surrounding environments. However, McGee teaches that it is old and well known in the art to provide a coinable seal 52, which is inserted inside a mated opening and deforms under mating pressure during of head component 58 and mating component 38 for the purpose of providing a seal which conforms to a seal area and can withstand leaking at high pressures (see figures 1, 2 and col. 2, lines 10-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Van Den Berg with the coinable seal as taught by McGee for the purpose of providing a leak proof seal.

In claims 3 and 6, the modified invention of Van Den Berg, through McGee teaches that it is old and well known in the art to provide a coinable seal comprised of an annular insert 52, having an axial opening engaging a seat portion 50 of member 58 (see figure 1). Moreover and in regard to claim 6, the choice of aluminum or copper for the coinable seal would be obvious material variants of the seal of McGee, as the choice of a softer seal material would be required to assist in deformation of the seal and the prevention of damage to the surrounding seat. See also MPEP § 2144.07.

In claims 4 and 5, the modified invention of Van Den Berg, through Van Den Berg discloses the invention as claimed including sealing gasket 22, interposed between the auxiliary cover and the inlet of the container and bushing 2 (see figure 2).

Allowable Subject Matter

4. Claims 8-10 are allowed over the prior art of record.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. DURAND whose telephone number is (571)272-4459. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAUL R DURAND/
Primary Examiner, Art Unit 3721
9/22/2008